

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-8, 10-13, and 15-17 are pending in this case. Claims 1, 6, and 12, are amended and Claims 18-20 are canceled, without prejudice or disclaimer, by the present amendment. The changes to Claims 1, 6, and 12 are supported in the originally-filed disclosure at least at Figures 1-4 and paragraphs [0025] and [0031] of the published application. Thus, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 4-8, 10-13, 15, and 16-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kohno, et al. (U.S. Patent No. 4,557,574, herein "Kohno") in view of Fellegara, et al. (U.S. Patent No. 5,845,166, herein "Fellegara").

Applicant respectfully traverses the rejection of the pending claims.

Amended Claim 1 is directed to a digital camera and includes:

- a camera body, said camera body being longer in a lateral direction than in a vertical direction perpendicular to the lateral direction;
- an optical system including a lens positioned on a first side of said camera body;
- a flash device, said flash device secured to said camera body on the first side of said camera body and at a constant distance from said lens and **said lens and said flash device being arranged in the lateral direction;** and
- a cover device coupled to said camera body and configured to cover said lens and said flash device, said cover device including **a cover member configured to cover and uncover said lens and said flash device by sliding within a range of said camera body in the vertical direction at the first side of said camera body.**

The outstanding Office Action asserts Kohno as teaching every element of Claim 1 except a digital camera, which it asserts Fellegara as teaching.

However, Kohno does not teach or suggest at least a cover member as defined by amended Claim 1. Amended Claim 1 defines a cover member “**configured to cover and uncover said lens and said flash device by sliding within a range of said camera body in the vertical direction at the first side of said camera body,**” wherein the lens and flash device are defined as “**being arranged in the lateral direction**” and the **vertical direction** is defined as “**perpendicular to the lateral direction.**” As depicted at Figures 1 and 2 and discussed at column 3 of Kohno, the cover 2 covers and uncovers the lens 4 by moving in a lateral direction, or a same direction in which the lens 4 and flash unit 8 are arranged with respect to each other, rather than in a vertical direction perpendicular to the lateral direction.

Further, Fellegara does not cure the deficiencies of Kohno with regard to amended Claim 1, because, although the cover 12 of Fellegara moves in a vertical direction, the direction is not perpendicular to the direction in which the lens 16 and the flash unit 18 are arranged with respect to each other in Fellegara. Also, a modification of the cover 2 of Kohno with the cover 12 of Fellegara would not properly establish a *prima facie* case of obviousness because the differences in the relative arrangements of the lens and flash unit in the two references preclude such a modification under MPEP § 2143.01(V) by rendering Kohno unfit for its intended purpose including, for example, providing the projecting plate 10.

Because Kohno and Fellegara do not teach or suggest all the elements of amended Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2, 4, 5, and 17, which depend therefrom, be withdrawn.

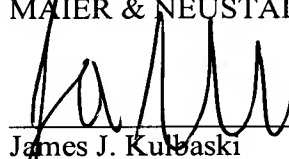
Claims 6 and 12, while differing in scope and statutory class from Claim 1, patentably define over Kohno and Fellegara for substantially the same reasons as Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 6, Claims

7, 8, 10, and 11, which depend therefrom, Claim 12, and Claims 13, 15, and 16, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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